

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
:
UNITED STATES OF AMERICA : INDICTMENT
:
- v. - :
:
GERALD VASQUEZ, :
 a/k/a "Gera," :
GARY BIERD, :
 a/k/a "V.O.," :
IRVIN CASTILLO, :
 a/k/a "Mune," :
DAUBRIEL DISLA, :
 a/k/a "Felipe Disla," :
 a/k/a "Mate," :
 a/k/a "Jason Rodriguez," :
 a/k/a "Michael Martinez," :
WILKIN DE LOS SANTOS, :
 a/k/a "Sep 550," and :
JOSE VARGAS, :
 a/k/a "Jeffre Pizarro," :
 a/k/a "Melvin Perez," :
 a/k/a "Pejecito," :

Defendants. :
:
- - - - - x

USDC SDNY
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COUNT ONE
(Mail Fraud)

The Grand Jury charges:

1. From at least in or about 2012 up to and including the present, in the Southern District of New York and elsewhere, GERALD VASQUEZ, a/k/a "Gera," GARY BIERD, a/k/a "V.O.," IRVIN CASTILLO,

JUDGE TORRES

a/k/a "Mune," DAUBRIEL DISLA a/k/a "Felipe Disla," a/k/a "Mate," a/k/a "Jason Rodriguez," a/k/a "Michael Martinez," WILKIN DE LOS SANTOS, a/k/a "Sep 550," and JOSE VARGAS a/k/a "Jeffre Pizarro," a/k/a "Melvin Perez," a/k/a "Pejecito," the defendants, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting so to do, did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and did take and receive therefrom, such matters and things, and did cause to be delivered by mail and such carriers, according to the directions thereon, and at the places at which they were directed to be delivered by the person to whom they were addressed, such matters and things, to wit, VASQUEZ, BIERD, CASTILLO, DISLA, DE LOS SANTOS, and VARGAS used the personally identifying information ("PII") of others to fraudulently acquire valuable electronic devices and used the Postal Service and other commercial interstate carriers to

transmit PII and mobile phones to and from, among other places, New York, New York and the Bronx, New York.

(Title 18, United States Code, Sections 1341 and 2.)

COUNT TWO

(Conspiracy to Commit Mail Fraud)

The Grand Jury further charges:

2. From at least in or about 2012 up to and including the present, in the Southern District of New York and elsewhere, GERALD VASQUEZ, a/k/a "Gera," GARY BIERD, a/k/a "V.O.," IRVIN CASTILLO, a/k/a "Mune," DAUBRIEL DISLA a/k/a "Felipe Disla," a/k/a "Mate," a/k/a "Jason Rodriguez," a/k/a "Michael Martinez," WILKIN DE LOS SANTOS, a/k/a "Sep 550," and JOSE VARGAS a/k/a "Jeffre Pizarro," a/k/a "Melvin Perez," a/k/a "Pejecito," the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit mail fraud, in violation of Title 18, United States Code, Section 1341.

3. It was a part and object of the conspiracy that GERALD VASQUEZ, a/k/a "Gera," GARY BIERD, a/k/a "V.O.," IRVIN CASTILLO, a/k/a "Mune," DAUBRIEL DISLA a/k/a "Felipe Disla," a/k/a "Mate," a/k/a "Jason Rodriguez," a/k/a "Michael Martinez," WILKIN DE LOS SANTOS, a/k/a "Sep 550," and JOSE VARGAS a/k/a "Jeffre Pizarro," a/k/a "Melvin Perez," a/k/a "Pejecito," the defendants, and others

known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting so to do, would and did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and would and did take and receive there from, such matters and things, and would and did cause to be delivered by mail and such carriers according to the directions thereon, and at the places at which they were directed to be delivered by the person to whom they were addressed, such matters and things, in violation of Title 18, United States Code, Section 1341.

(Title 18, United States Code, Section 1349.)

COUNT THREE
(Aggravated Identity Theft)

The Grand Jury further charges:

4. From at least in or about 2012 up to and including the present, in the Southern District of New York and elsewhere, GERALD VASQUEZ, a/k/a "Gera," GARY BIERD, a/k/a "V.O.," IRVIN CASTILLO,

a/k/a "Mune," DAUBRIEL DISLA a/k/a "Felipe Disla," a/k/a "Mate," a/k/a "Jason Rodriguez," a/k/a "Michael Martinez," WILKIN DE LOS SANTOS, a/k/a "Sep 550," and JOSE VARGAS a/k/a "Jeffre Pizarro," a/k/a "Melvin Perez," a/k/a "Pejecito," the defendants, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, VASQUEZ, BIERD, DISLA, DE LOS SANTOS, and VARGAS used the names and PII of other persons during and in relation to the mail fraud and conspiracy to commit mail fraud charged in Counts One and Two of this Indictment.

(Title 18, United States Code, Sections 1028A(a) (1), 1028A(b), and 2.)

FORFEITURE ALLEGATION

5. As the result of committing the offenses alleged in Counts One and Two of this Indictment, GERALD VASQUEZ, a/k/a "Gera," GARY BIERD, a/k/a "V.O.," IRVIN CASTILLO, a/k/a "Mune," DAUBRIEL DISLA a/k/a "Felipe Disla," a/k/a "Mate," a/k/a "Jason Rodriguez," a/k/a "Michael Martinez," WILKIN DE LOS SANTOS, a/k/a "Sep 550," and JOSE VARGAS a/k/a "Jeffre Pizarro," a/k/a "Melvin Perez," a/k/a "Pejecito," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section

981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

Substitute Assets Provision

6. If any of the forfeitable property described above in paragraph five of this Indictment, as a result of any act or omission of GERALD VASQUEZ, a/k/a "Gera," GARY BIERD, a/k/a "V.O.," IRVIN CASTILLO, a/k/a "Mune," DAUBRIEL DISLA a/k/a "Felipe Disla," a/k/a "Mate," a/k/a "Jason Rodriguez," a/k/a "Michael Martinez," WILKIN DE LOS SANTOS, a/k/a "Sep 550," and JOSE VARGAS a/k/a "Jeffre Pizarro," a/k/a "Melvin Perez," a/k/a "Pejecito," the defendants,

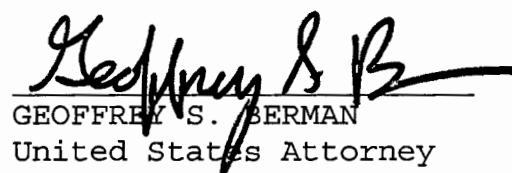
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981, Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)



FOREPERSON



GEOFFREY S. BERMAN
United States Attorney

Form No. USA-33S-274 (Ed. 9-25-58)

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SOUTHERN DISTRICT OF NEW YORK

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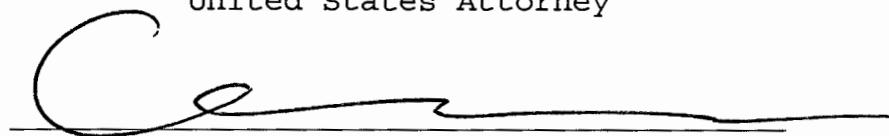
INDICTMENT

19 Cr.

(Title 18, United States Code,
Sections 1028A, 1341, 1349 and 2)

GEOFFREY S. BERMAN

United States Attorney



Geoffrey S. Berman
Foreperson

5/28/19 Filed indictment - Case assigned to S. TORRES
OCT 5 2019
USM